



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERRILL WARBOYS and KATHRYN WARBOYS,

Plaintiffs,

**TRIAL
ORDER**

-against-

19 Civ. 2491 (PED)

SHI-III BRIARCLIFF REIT, LLC; BRIARCLIFF
MANOR INVESTORS, LLC; ANDRON
CONSTRUCTION CORP.; and VISTA
CONSTRUCTION & LANDSCAPE CONTRACTORS,
INC.,

Defendants.

X

PAUL E. DAVISON, U.S.M.J.:

Jury selection in this action will be held on March 29 or March 30, 2022 (depending upon jury panel availability) at 9:30 a.m.

**THIS CASE IS SECOND IN LINE FOR TRIAL THAT WEEK AND WILL
PROCEED TO TRIAL IN MARCH ONLY IF AN EARLIER-FILED CASE IS RESOLVED
VIA SETTLEMENT OR OTHERWISE.**

Trial shall proceed immediately following the completion of jury selection. Unless otherwise specified by the Court, trial shall continue from day to day from 9:30 a.m. until 5:00 p.m.

Proposed voir dire and witness lists must be filed by March 4, 2022.

Proposed jury instructions and a proposed verdict form must be filed by March 4, 2022. Each party must submit a complete jury instruction for each claim or defense the party wishes to present to the jury, and each proposed jury instruction shall indicate the authority for the requested instruction and, if a pattern instruction is used, whether the proposed instruction has been adapted or modified.

Any motions *in limine*, as well as any trial memoranda counsel wishes to submit, shall be filed by February 18, 2022.

Responses to motions *in limine* shall be filed by February 25, 2022. Any replies are due March 4, 2022.

The aforementioned papers shall be filed with the Clerk of the Court. **Counsel shall simultaneously provide courtesy copies to Chambers.**

Counsel shall pre-mark all exhibits. Counsel shall provide the Court with courtesy copies of all exhibits, as well as any deposition transcripts to be used at trial, prior to the start of trial.

The Court will conduct a telephonic pretrial conference on March 11, 2022, at 11:00 a.m..

Dated: December 9, 2021
White Plains, New York

SO ORDERED

Paul E. Davison, U.S.M.J.